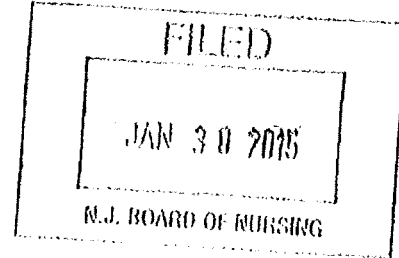
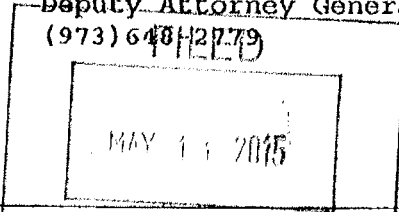


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STATE OF NEW JERSEY  
DEPARTMENT OF LAW & PUBLIC SAFETY  
DIVISION OF CONSUMER AFFAIRS  
STATE BOARD OF NURSING

IN THE MATTER OF THE SUSPENSION  
OR REVOCATION OF THE LICENSE OF

Billie Jo Downey, C.H.H.A.  
Certificate No. 26NH11261600

HOMEMAKER HOME HEALTH AIDE  
IN THE STATE OF NEW JERSEY

ADMINISTRATIVE ACTION

PROVISIONAL ORDER OF  
DISCIPLINE

☒ FINAL ORDER OF DISCIPLINE  
(Finalized by default  
on May 11, 2015 — )  
(05/11/2015)

**FINAL**

This matter was opened to the New Jersey State Board of Nursing (the "Board") upon receipt of information which the Board has reviewed and upon which the following preliminary findings of fact and conclusions of law are made:

FINDINGS OF FACT

1. Billie Jo Downey ("Respondent") is a certified homemaker-home health aide in the State of New Jersey and has been a licensee at all times relevant hereto. (Exhibit A).

2. Upon receipt of a flagging notice indicating that Respondent was arrested on May 6, 2014 by the West Deptford Township Police for violation of N.J.S.A. 2C:15-1A(1), Robbery by Force; N.J.S.A. 2C:18-2B(1), Burglary; N.J.S.A. 2C:20-3A, Theft of Movable Property; and N.J.S.A. 2C:5-2, Conspiracy Theft of Movable Property, the Board sent a letter of inquiry, requesting certain information and submission of documents, to Respondent's address of record in Williamston, New Jersey, via regular and certified mail on or about May 24, 2014. A response was due within twenty (20) days. The regular mailing was not returned; the certified mailing was returned to the Board. (Exhibit B).

3. Specifically, it is alleged Respondent contracted with the victim to trade Respondent's bird, valued at \$2,500 for the victim's car. After the transaction, Respondent asked to trade back, the victim refused and a dispute erupted. The police were called and Respondent left. The next day, Respondent, her daughter and an unidentified male returned to the victim's home. When the victim answered the door, Respondent and her daughter pushed the victim down, injuring the victim's neck. Respondent then entered the victim's house and retrieved the bird.

4. To date, Respondent has not responded to the Board's request for information.

5. On December 8, 2014, Respondent was convicted of Burglary by Entering a Structure, N.J.S.A. 2C:18-2A(1).

CONCLUSIONS OF LAW

Respondent's failure to respond to the Board's request for information constitutes a failure to cooperate with a Board investigation, in contravention of N.J.A.C. 13:45C-1.2 and 1.3, which the Board deems professional misconduct pursuant to N.J.S.A. 45:1-21(e), subjecting Respondent to disciplinary action pursuant to N.J.S.A. 45:1-21(h).

Respondent's conviction of Burglary by Entering a Structure constitutes a crime relating adversely to the activity regulated by the Board in violation of N.J.S.A. 45:1-21(f).

ACCORDINGLY, IT IS on this 30<sup>th</sup> day of January, 2015,  
ORDERED that:

1. Upon the filing of a FINAL ORDER OF DISCIPLINE, Respondent's certificate to practice as a homemaker-home health aide will be suspended for a period of one (1) year, six (6) months of which shall be served as a period of active suspension, the remainder of which shall be stayed and served as a period of probation.

2. Upon the filing of a FINAL ORDER OF DISCIPLINE, Respondent shall refrain from engaging in the practice as a homemaker-home health aide and shall not represent herself as a

homemaker-home health aide until such time as her certification is reinstated. Any practice in this State prior to such reinstatement shall constitute grounds for a charge of unlicensed practice. Respondent shall surrender her original wall certificate, wallet certificate, and her most recent renewal card upon the entry of a FINAL ORDER OF DISCIPLINE.

3. Within six (6) months of any application for reinstatement of her certificate, Respondent shall submit proof of completion of a course in anger management.

4. Respondent is provisionally assessed a civil penalty in the amount of two hundred dollars (\$200) for failure to cooperate with a Board investigation. Payment shall be made by certified check, bank cashier check, or money order payable to "State of New Jersey," or by wire transfer, direct deposit, or credit card payment delivered or mailed to George Hebert, Executive Director, State Board of Nursing, P.O. Box 45010, Newark, New Jersey 07101. Any other form of payment will be rejected and will be returned to the party making the payment. Payment shall be made no later than fifteen (15) days after the date of filing of a FINAL ORDER OF DISCIPLINE. In the event Respondent fails to make a timely payment, a certificate of debt shall be filed in accordance with N.J.S.A. 45:1-24 and the Board may bring such other proceedings as authorized by law.

5. The within order shall be subject to finalization by the Board at 5:00 p.m. on the 30<sup>th</sup> day following entry hereof unless Respondent requests a modification or dismissal of the above stated Findings of Fact or Conclusions of Law by:

- a) Submitting a written request for modification or dismissal to George Hebert, Executive Director, State Board of Nursing, 124 Halsey Street, Sixth Floor, P.O. Box 45010, Newark, New Jersey 07101.
- b) Setting forth in writing any and all reasons why said findings and conclusions should be modified or dismissed.
- c) Submitting any and all documents or other written evidence supporting Respondent's request for consideration and reasons therefor or offered in mitigation of penalty.

6. Any submissions will be reviewed by the Board and the Board will thereafter determine whether further proceedings are necessary. If no material discrepancies are raised through a supplemental submission during the thirty-day period, or if the Board is not persuaded that the submitted materials merit further consideration, a FINAL ORDER OF DISCIPLINE will be entered.

7. In the event that Respondent's submissions establish a need for further proceedings, including, but not limited to an evidentiary hearing, Respondent shall be notified with regard thereto. In the event that an evidentiary hearing is ordered, the preliminary findings of fact and conclusions of law

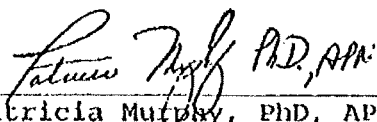
contained herein may serve as notice of the factual and legal allegations in such proceeding. Further, in the event a hearing is held and upon review of the record, the Board shall not be limited to the findings, conclusions and sanctions stated herein.

8. In the event that the Board receives no written request for modification or dismissal within 30 days following entry of this Provisional Order, without further Board review, all referenced preliminary Findings of Fact and Conclusions of Law and all provisional sanctions or penalties imposed by this Order shall automatically become the Final Decision and Order of the Board. Thereafter, Respondent's failure to comply with any sanction or penalty imposed by this Order shall be considered a violation of a Board Order in contravention of N.J.S.A. 45:1-21 (e) and (h) and N.J.A.C. 13:45C-1.4 and may subject Respondent to additional sanction and/or penalty.

9. The Board reserves the right to initiate disciplinary proceedings based upon any new information the Board receives.

NEW JERSEY STATE BOARD OF NURSING

By:

  
Patricia Murphy, PhD, APN  
President